

**Town of Foxborough
Conservation Commission Minutes
January 14, 2013**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Douglas Davis, Judith Johnson, James Marsh and Valerie Marshall
Staff Present: Jane Sears Pierce, Conservation Manager
Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

Cocasset Lake Drawdown Update

Cocasset Lake Association representatives Tony Gilby and Steve Krupski (head of the association's Dam Safety Committee) attended the meeting to update the Commission on their lake drawdown and dam repair project. They explained that the State requires dams to be inspected every five years; they didn't inspect the dam five years ago. The Mass DCR Office of Dam Safety had given them an extension until November 19, 2012 to inspect their dam. They began to drawdown the lake in mid-October to facilitate the inspection, as well as to allow them to do re-pointing and other minor but necessary work in the spillways before the weather became too cold.

They explained that the dam has two sluiceways (main and auxiliary). They rebuilt the main sluiceway ten years ago and repaired the auxiliary sluiceway this year. The dam inspection has been completed and all the boards placed in the auxiliary spillway (east side of dam). They had been waiting to hear from GZA (consultants), and wanted to start refilling after the first hard frost but missed the "sweet spot" by one week.

GZA recommends annual drawdowns, but the Lake Association members don't enjoy spending months each year looking at mud and stumps, so they compromised by only following this freeze and refill strategy in years when the water had to be lowered for the five-year dam inspection and scheduled preventive maintenance.

Mr. Gilby reported that the water had been down six feet; they were mostly concerned about the milfoil, but the different kinds of aquatic weeds are affected differently by the drawdown. He indicated that they refer to the "Eutrophication and Aquatic Plant Management in Massachusetts Final Generic Environmental Impact Report (GEIR)" 2004. Most of their weeds of concern are affected by drawdown, as cited in the Practical Guide (companion to Final GEIR).

Val asked if the vegetation was subsiding. Mr. Gilby responded that their weed control firm, Lycott Environmental, uses herbicides with management aimed at maintaining a body of mostly open water with no plan monocultures (i.e. of milfoil). He indicated that both watershield and water lilies were becoming a problem, saying "that's a treatment every four or five years."

December 17, 2012 Minutes

The Commission reviewed the draft minutes for a while, between hearings, and made several revisions. After running out of time, they decided to table the discussion until later.

ANRAD, 207-209 Oak Street, DEP #157-TBD

Information Reviewed:

- ANRAD received 12/17/12; Wetlands Locations, 207-209 Oak Street Plan dated 12/10/12

Applicant Mike Ferrone, Briarwood Construction, and his representatives Bill Self, Curley & Hansen Surveyors, and Todd Pilling, Pilling Group (project engineer), attended the hearing. Bob opened the hearing by reading the legal notice, as posted in the Sun Chronicle and Foxboro Reporter.

Mr. Self began by reviewing the delineation of various wetland resource areas including the riverfront area, bank, bordering vegetated wetlands and isolated land subject to flooding (covered under the Bylaw), both on and off-site. Most of the riverfront area was located off-site, behind 221 Cocasset Street, which is across the street from their property.

Jane reviewed her site visit to review the delineated areas, saying that everything looked good, but she had been unable to access the Burke property (221 Cocasset Street), since nobody was home. She had asked Mr. Self to get an access approval letter signed by the Burkes, but they have not yet returned the letter. She could see the approximate locations of the bank flags (through stockade fencing along the street and from the neighbor's driveway) and they looked fine, however, the Burke's property appeared to have been cleared right up to the river, with dog yards and chain linked fencing abutting the river banks.

Mr. Self briefly explained the applicant's proposed subdivision (currently before the Planning Board) which included a road and five lots on the four acre property. Since he had been speaking to Jane about the project from very early on, they had kept all work outside of the 200 foot riverfront area after she informed him that it was a probable resource area.

Bob applauded Mr. Self's efforts for trying to stay out of the riverfront area. Mr. Self asked how to proceed with the subdivision from here, since most of the work was outside the resource areas. The Commission advised him that he would need to file a NOI for the corner lot, since it includes a proposed detention basin overflow pipe that discharges to the riverfront area.

Since the DEP had not yet issued a file number, the hearing was continued to January 28th.

High School Athletic Field Update

Jim DeVellis began by explaining that he had attended the meeting as a civil engineer and resident, not as a Board of Selectmen member. He disclosed that he had no vested interest in the project and was attending the meeting to update the Commission on the athletic field progress only.

Mr. DeVellis explained that during last fall's Special Town Meeting, Foxborough High School's Article for a new athletic field had been approved. The field will be installed where a current baseball and softball fields are located, not behind the school as originally proposed. These two fields will be moved to the site of the school's old septic system, behind the school near Hersey Farm's soccer field. In this rear area, construction of a parking area has been started for the future ball fields and the Hersey soccer field.

They would like to start clearing trees in the area of the future softball and baseball fields, starting this week, but would not be working in the staked 100 foot limit of disturbance area (from the BVW), as flagged by Bay Colony. Discussion ensued regarding other potential resource areas on site, including a stream, which Mr. DeVellis said was intermittent according to the USGS map and Mr. Buckley. The wetland area behind the Hersey soccer field was discussed; Jane and Bob indicated that they would visit the site on the following day to see if this area would be jurisdictional.

East Belcher Road Compost Facility Operation

Bob Swanson, Foxborough Highway Department Superintendent, and Andy Felix of Tree Tech, attended the meeting. Town Planner Sharon Wason and Planning Board member Gordon Green also attended. Mr. Swanson reviewed the Highway Departments costs to run the former compost site on Elm Street and mentioned information contained in the compost site's RFP. He then asked "How do we move forward?"

The Commission wanted to make it clear that they had no concerns with the compost facility's operation. They were concerned that Mr. Swanson's 8/18/11 site plan, prepared for the Planning Board's Site Plan Review, had indicated "fill wetland." The 8/18/11 site plan had also proposed a much larger compost pad than what was proposed in Mr. Swanson's previously submitted Request for Determination of Applicability filing; the Commission's Negative Determination for the filing was issued on 5/9/11.

The Commission informed Mr. Swanson that they never saw the compost site's RFP and stressed that they had never approved Mr. Swanson's 8/18/11 plan. They explained that a "net environmental benefit" would be required for the unpermitted wetland filling, but Judi indicated that this could probably be accomplished by replicating wetlands on-site.

Mr. Felix reviewed his site work, stating that water had been coming out of the whole hillside. Mr. Swanson agreed that there had been a groundwater breakout problem at the base of the site's hill. Mr. Felix described where he had installed drainage culverts under the compost pad, stating that he had taken photos when installation work was in progress. Judi asked if there was any erosion at the end of the culverts that he had installed without the Commission's prior review or approval.

Val asked whether the berm (between the work area and the pond) had been there for a while. Mr. Felix responded "no," that the whole area used to be level. Mr. Swanson asked where a wetland replication area could be constructed. Judi replied that the Commission would have to look at the site to see if there were opportunities for site enhancement, i.e. location of invasive plants that could be removed, where wetland restoration/replication area could be located, etc.

Ms. Wason asked the Commission what their "process" would entail and whether Mr. Felix would need to file a NOI showing the proximity of drainage outfalls to the resource areas, etc., and what his timetable would be. Bob explained that the town will need to file the NOI since they own the property and that the work will need to be completed before the compost area opens in the spring.

Mr. Green stressed that this would be a tight timetable and that wetland issues would need to be resolved in the next three to four weeks to allow the Planning Board to conform to their permitting time-table. Bob stated that in order to meet this timetable, an after-the-fact Notice of Intent would have to be submitted to the Commission by January 28, to be able to open a hearing on February 11. Ms. Wason stated that the Commission's review and approval would be needed before the Planning Board's review.

A site visit was scheduled for January 18 at 8:00 a.m. with Mr. Swanson, Mr. Felix and members of the Commission.

Partial Certificate of Compliance, DEP #157-367, 14 Alice Bradley Lane (Lot 11)

Motion was made by Judi Johnson to approve and sign the Partial Certificate of Compliance for DEP #157-367, 14 Alice Bradley Lane (Lot 11); seconded by Doug Davis. **Vote: 7-0-0**

Lincoln Hill Camp/Oak Street

Five members of the Commission (BB, JJ, DD, EN, JM) and the Conservation Manager had hiked this site on Saturday, 1/12/13. They visited the site's potential vernal pool to determine whether it could be certified, per the Town Manager's request. They immediately found fairy shrimp, proving that the pool could be certified, and also found marbled salamander larvae (a NHESP threatened species), which would further protect the site under the Mass Endangered Species Act.

The Commission discussed how to ensure that the property was covered under Article 97 of the Constitution and determined that they should consult with the MACC and State experts. Judi indicated that she would attend a Recreation Board meeting to ask for their input, i.e. whether they are supportive of the property being sold.

Earth Day 2013 Celebration Planning

The Commission reviewed what they could do for their first Earth Day Celebration, slated for April 20th. Judi suggested a trash cleanup along the town's roadsides, asking the Highway Department to pick up the resulting bags of trash. Enlisting neighborhood coordinators was suggested. Val said that she would try to go to a Recreation Department meeting to discuss how to work cooperatively on the project; she would also email Heather Harding.

Conservation Rental Properties

Jane discussed Kevin Paicos' 1/8/13 email about the Fairbanks property, which stated: "it may be more practical to simply demo Fairbanks house...see what the Commission thinks." The Commission was disappointed that the site had sustained so much damage at this point, having sat vacant for more than a year. The rental money they collect for their rental houses goes into the Town's general fund, rather than into a reserve account like the one the Recreation Department has, so they don't have any revenue to maintain or fix the building or its septic system. Although the Commission is fond of the house and doesn't want to see it destroyed, it has become more of a burden at this point. The Commission decided that they should think about how to proceed and discuss the subject at a future meeting.

Request for Waiver, DEP #157-508

Mr. Mike Ferrone, Briarwood Construction, made a formal request to waive the full Article IX filing fee of \$2,940 for his 207-209 Oak Street ANRAD, which was in addition to the State's \$2,940 filing fee. Most of the site's riverfront bank is located off site and only a small ILSF is located on site. The Commission determined that due to the unique aspects of this filing's delineation (most of the resource areas are located off site), they would cap the bylaw filing fee at \$1,000. However, this waiver only applies to this filing.

Motion was made by Doug Davis to cap the filing's Article IX filing fee for DEP #157-508 at \$1,000, waiving the full filing fee of \$2,940, because of the unique aspects of the site's delineation; seconded by Valerie Marshall. **Vote: 7-0-0**

December 12, 2011 Minutes – Minor Edit

Jane explained that while compiling a minutes' history for Lincoln Hill, she realized that the December 12, 2011 minutes "Camp Lincoln Hill Property - Oak Street – Discussion" incorrectly referenced the 1994 Town Meeting, rather than 1974. She asked the Commission for a vote to correct this date.

Motion was made by Doug Davis to correct the December 12, 2011 Minutes' date reference as discussed, from 1994 to 1974; seconded by Valerie Marshall. **Vote: 7-0-0**

New Filings Distributed to Commissioners

- Request for Determination – One Constitution Way, RFD

Meeting Adjourned

Motion was made by Judi Johnson to adjourn; seconded by Allan Curtis. **Vote: 7-0-0**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Jane Sears Pierce: 2/7/13, rev. 3/18/13

Approved by Commission: 2/11/13

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, January 14, 2013
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in Conservation Commission's office.
4. Referenced projects' documents: please see Conservation Commission's project file